Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

No. 78-765

THE PEOPLE OF THE STATE OF MICHIGAN,

Petitioner,

vs.

WILLIE B. CONNER,

Respondent.

REPLY TO RESPONDENT'S OPPOSITION TO THE PETITION FOR A WRIT OF CERTIORARI

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THERE IS NO INDEPENDENT AND ADEQUATE STATE GROUND OF DECISION

Respondent alleges that the Michigan Court of Appeals decision was founded on state law considerations. The decision that the search warrant was defective may be so construed. But petitioner is not attacking that portion of the decision, but the holding that the exclusionary rule must be applied, which was founded solely on federal law: "The United States Supreme Court has not expressly modified the dictates of Mapp v

Ohio with a good faith exception. We must follow the dictates of Mapp. . . ." (emphasis added). Unreported opinion of Michigan Court of Appeals, Petition for Certiorari, p. 15.

CONCLUSION

There being no state law ground presented below, and the state court expressly holding itself bound by a decision of this Court, petitioner submits that review should be granted.

Respectfully submitted,

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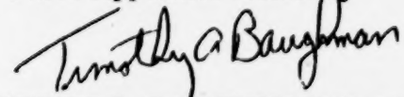

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Dated: March 6, 1979.